

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

Robert Twyman, Jr., §

Petitioner, §

2006 DEC 12 A 10:25

Vs. §

2:06-CV-833-MEF-DRA P. HACKETT, CLERK

Alabama Department of §
Corrections, et al.,

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Respondents. §

PETITIONER'S MOTION FOR THE APPOINTMENT OF COUNSEL

Comes Now, Petitioner Robert Twyman, Jr., respectfully moves this Court for appointment of counsel and shows good cause in the following, to-wit:

1. Petitioner is unable to afford counsel.
2. This is a complex case because it contains several different legal claims which are in conflict;

The common law is the base upon which all the laws of this United States have been constructed, and when our courts are called upon to construe a statute--when they are called upon to ascertain and declare the legal effect and meaning of a legislative enactment--they must read the statute in the light of the common law.

The common-law right of a citizen occupies a high plane of sanctity for they are inherited rights.

3. The allegations in this complaint are in sharp conflict with the law and Constitution of this United States.

"It is undisputed that the State may enact laws for the public health and safety imposing strict liabilities without any element of scienter. However, the legislative power to impose criminal sanctions to any conduct is restrained by the constitutional command that no person can be 'deprived of life, liberty, or property, except by due process of law.'" Article I, § 6, Alabama Constitution of 1901. See Smith v. People, 361 U.S. 147 (1960).

4. Petitioner has a limited knowledge of the law, and access to the law-library.

5. As set forth in this motion, those facts, along with the legal merit of the petitioner's claims, support the appointment of counsel to represent him.

Wherefore Premises Considered, petitioner Prays this motion be granted.

Done this the 11 day of December, 2006

Robert Twyman, Jr.